

F1-1

Sep 19, 2019

SEAN F. McAVOY, CLERK

United States Circuit Court of Appeals
for the Ninth Circuit
Eastern District of Washington, Spokane

Tanawah M. Downing
Petitioner

File No.: 4:19-CV-05055-TOR

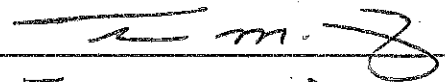
v.

Notice of Appeal

State of Washington
Respondent

Notice is hereby given that Tanawah M. Downing, Plaintiff/Petitioner, in the above named case Downing v. State of Washington, 4:19-CV-05055-TOR, hereby appeal to the United States Circuit Court of Appeals for the Ninth Circuit from the final judgment entered in this action on 14TH day of May, 2019.

Respectfully & Peacefully
a Servant of Justice,



Tanawah M. Downing
Petitioner, Pro Se

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United States Circuit Court of Appeals
for the Ninth Circuit
Eastern District of Washington, Spokane

Tanawah M. Downing
Petitioner

Case No.: 4:19-CV-05055-TOR

v.
State of Washington
Respondent

Supplement to Notice of
Appeal Letter

Petitioner respectfully submits to the court for consideration, this Supplement to Notice of Appeal Letter.

Petitioner has submitted a Writ of Habeas Corpus pursuant to Title 28 U.S.C. § 2254. This Writ of Habeas Corpus is an original civil action challenging the Constitutionality of Article I, Section 26, of the Washington State constitution, which is directly and facially unconstitutional, as well as deprives Petitioner of equal rights and equal protection under the Law, as a United States Citizen, in violation of the United States Constitution and Title 42 U.S.C. § 1981. Therefore, this matter is clearly controlled under the provisions of Title 28 U.S.C. § 1343, as a civil rights violation and the district court has original jurisdiction, as prescribed by Law. This duty for the district court to rule on the merits of this petition first and before any other courts, including the courts of Washington State, is further assigned by Title 28 U.S.C. § 1331 and Title 28 U.S.C. § 2254(b)(1)(B)(ii)(5)(F). As a result, the district

court had a duty to act and it's failure to do so, was a breach of a Statutory Obligation imposed by Positive Law. Black's Law Dictionary defines "Misconduct" as, "A dereliction of duty; unlawful, dishonest, or improper behavior, especially someone in a position of authority or trust." The definition of "Dereliction of Duty" is, "A deliberate or accidental failure to do what should be done, especially as part of one's job." There is no denying that the district court judge derelicted his duty, imposed by statute, as evidenced by his dismissal of the petition alone. As a result, official misconduct occurred, resulting in an improper and illegal ruling. In accordance with Civil Rule 60(b), Petitioner has up to 1 year to appeal in cases of "Intrinsic or extrinsic fraud, misrepresentation, or other misconduct." Let this letter serve as notice that the Petitioner, Tanawah M. Downing, case number: 4:19-CV-05055-TOR, Downing v. State of Washington, hereby appeals to the United States Circuit Court of Appeals for the Ninth Circuit from the final judgment entered into the case on May 14, 2019. The Respondent is properly identified as the State of Washington, as the State of Washington is civilly accountable for the criminal misconduct of it's agents, in this case, Benton County Superior Court Judge Alexander Ekstrom and Benton County Special Prosecutor Dianne Ruff, among others.

In consideration of this appeal, let it be known that the ruling Summarily Dismissing the petition derives from a

criminal act perpetrated by the district court judge, Thomas O. Rice, as the record WILL reflect that in Addendum (s) 1 and 2 of the original Writ of Habeas Corpus, specific allegations of Conspiracy to Obstruct Justice were raised against the trial judge, Benton County Superior Court Judge Alexander Ekstrom, by and between, the prosecutor, Benton County Special Prosecutor Dianne Ruff. Their criminal acts were not only archived during the trial, but were also witnessed, as well as acknowledged by the perpetrators themselves during the trial, however they claimed that the State of Washington provides them with immunity from their criminal acts. Their Mens Rea is not negated by their ignorance of Law. They chose to proceed despite awareness of the criminal conditions, even after acknowledging the crimes, yet trusting to find impunity in their "Absolute Immunity" however, absolute immunity only covers civil liability and NOT criminal liability.

In accordance with Title 42 U.S.C. §1985(b), "If two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of Justice in any state, with the intent to deny any citizen the equal protection of laws" commits the crime of Conspiracy to Obstruct Justice. Petitioner provided specific sources of evidence to confirm these allegations, to which the district court judge chose to ignore,

either intentionally, or unintentionally, the material evidence raised, thereby becoming a Co-Conspirator due to the Neglect to Prevent Conspiracy, in accordance with Title 42 U.S.C. § 1986, which states, "Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in the preceeding section <1985>, are about to be committed, and having the power to prevent or aid in preventing the commission of the same, neglects or refuses to do so, may be joined as defendants in the action." There is no denying that the judge had knowledge of crimes which have been and are being committed against the Petitioner, as raised in Addendums 1 and 2 of the Writ of Habeas Corpus, in violation of Title 42 U.S.C. § 1985(b) and despite having the power and duty to act in order to prevent the continued and further commission of the wrongs, the district court judge Thomas O. Rice neglected, or chose not to, in violation of Title 42 U.S.C. § 1986. Therefore, as a result of either his complicity (Intentional) or complacency (Unintentional), the district court judge, Thomas O. Rice has become an active participant in the ongoing Criminal Conspiracy and making his ruling illegal and fraudulent. In accordance with Article III of the United States Constitution, Judges shall remain in their Office while in Good Behavior. Black's Law Dictionary defines "Good Behavior" as, "The avoidance

of criminal behavior." Therefore, the moment that the district court judge chose to engage in criminal behavior, he was no longer fit to continue in his Office, in accordance with the United States Constitution and the Laws of the United States.

In light of this evidence and as a result of the district court judges actions and decisions, this Criminal conspiracy is no longer confined to the State of Washington and it's courts, as the United States District Court is now implicated in the action as a result of the crimes of the district court judge, as clearly evidenced by the record. The United States Circuit Court of Appeals now has original jurisdiction over this matter and not the district court or any court of the State of Washington.

Respectfully & Peacefully,
a Servant of Justice,



Tanawah M. Downing
Petitioner, Pro Se

9A-1 (R2)

United States Circuit Court of Appeals for the Ninth Circuit

Tanawah M. Downing
Petitioner

Case No.: 4:19-CV-05055-TOR

v.
State of Washington
Respondent

Notice of Appeal

Petitioner respectfully submits to the court for consideration, this Notice of Appeal to Final Judgment of the District Court.

Petitioner has submitted a Writ of Habeas Corpus pursuant to Title 28 U.S.C. § 2254. This Writ of Habeas Corpus is an original civil action, it is not a relitigation or an appeal to Petitioner's conviction or judgment and sentence. This Writ of Habeas Corpus is a Constitutional challenge to state action, specifically, the civil rights violation as a result of the unconstitutional provision of the Washington State constitution, Article I, Section 26, which is directly and facially unconstitutional. Therefore, this civil action is controlled under the prescriptions of Title 28 U.S.C. § 1343 and the district court has original jurisdiction. Title 28 U.S.C. § 1343 states, "The district courts shall have original jurisdiction of ANY CIVIL ACTION authorized by law to be commenced by ANY PERSON." This statute is prescribed to,

9A-2 (R2)

"Redress the deprivation under the color of any state law, statute, ordinance, regulation, custom or usage, of any right secured by the Constitution of the United States providing for equal rights of all persons within the jurisdiction of the United States." As a result, the district court had a legal duty to act and rule on this civil action FIRST and before any other court, including the courts of the State of Washington. This is a Plain, Manifest ERROR of Constitutional dimension in the ruling. Blacks Law Dictionary describes the term "Manifest Error" as, "An error that is plain and indisputable and amounts to a complete disregard of the controlling law or the credible evidence on the record." This Manifest ERROR is plain and cannot be disputed, as the record WILL reflect that the court was informed numerous times of the controlling laws for this civil action, including, but not limited to, Title 28 U.S.C. § 1331, Title 28 U.S.C. § 1343, Title 42 U.S.C. § 1981, Title 28 U.S.C. § 2254 (b)(1)(B)(ii)(s)(f) and the United States Constitution. The courts complete disregard of the controlling law and breach of legal duty to rule on this petition FIRST and before any other courts, including the courts of Washington State has resulted in an obvious Miscarriage of Justice as a result of the Plain, Manifest Errors, as ascertainable by the evidence on the record. Therefore, this court now has a duty to act in order to preserve the

9A-3 (R3)

integrity and honor of the United States Justice System.

Under civil rule 52(a) the court of appeals generally must accept the district court finding, "Unless the appellate court is left with the definite and firm conviction that a mistake has been committed."

Exceptions to the Rule of Difference apply when:

- 1) The legal issues at stake are sufficiently new, unformed, or otherwise in need of appellate role in the application of fact to law is required.
- 2) The "Finding of Fact" is predicated on a misunderstanding of the governing rule of law.
- 3) In arriving at the fact finding, the district court considered improper evidence, ignored or erroneously excluded material evidence, or otherwise tried the facts in an incomplete or unfair manner.

In consideration of the Rule of Difference, specifically Exceptions (2) and (3) above, Petitioner requests that the United States Court of Appeals perform a review DeNovo and since this is a challenge of the Constitutionality of a Statute, "Pure questions of law are reviewed DeNovo on the premise that the district court is in no better position than the higher court to resolve them." United States v. Bolanos Hernandez, 492 F.3d 1140, 1141 (9th Cir. 2007)

9A-4 (R4)

In the courts review and to prove, without question, the destructive acts and violation of rights secured by the United States Constitution, let the following FACTS be submitted to a candid world:

The Judicial branch has no right to demand that the people turn from or be subjected to laws Contrary to their faith.

Americans believe in U.S., we have laid our foundation upon Justice, our strength and unity is in our laws. They, and faith in them, is what unites us. Demanding that we have faith in anything other than the Constitution and the guarantees that it provides would mean alienation from the nation that we all know and that we all love. I believe in U.S.

I believe that we can be better than this. I believe in my government and I believe in my Justice System. I believe in freedom and I believe in equality. I believe in the United States of America, but it is not the States that make us great, it's the People! Every individual has a duty to care for those below him. As long as everyone fulfills his function, Justice (a manifestation of divine law) will prevail. The alternative is chaos, but that is not a world that WE have to live in. WE, the People, control our destiny, because WE, the People, provide the government with the power to govern through the consent of the governed. In the words of our Founding Father, George Washington, "The basis of our political

9A-5 (R2)

systems is the right of the people to make and to alter their Constitution of Government. But the Constitution which at any time exists, till changed by an explicit and authentic act of the whole People, is sacredly obligatory upon all." The very idea of the power and the right of the People to establish Government presupposes the duty of every Individual to obey the established government. To present these FACTS, I will be harsh as truth and as uncompromising as Justice, therefore, I appeal to the just God and Supreme Judge of the World on behalf of all the Good People of this nation who's rights and freedoms have been robbed from them by this government.

- ① The Ninth Circuit applied a 2 part test to determine abuse of discretion (Ninth Circuit Handbook Chapter 15.5 (i)(c))

1a) "Did the district court apply the wrong test?"

FACT: This is a deprivation of a fundamental Constitutional right, for a suspect classification, under the color of state law, in violation of the United States Constitution, therefore, it is an equal rights of law and equal protection under the law matter, as clearly stated numerous times. As a result, the unconstitutional state statute

9A-6 (R2)

must withstand Strict Scrutiny and the Compelling-State-Interest Test MUST be used. The courts use of the lesser discretionary test, after being clearly informed numerous times of the correct test to be used is an obvious abuse of discretion and therefore, an improper and illegal ruling occurred.

⊗ "State prisoner can win federal writ of habeas corpus only upon showing that state participated in denial of fundamental right." Oliver v. Wainwright, (1984) 479 U.S. 914, 93 L.Ed 2d 287, 107 S.Ct. 313

1b) "Any erroneous view of the Law is automatically an abuse of discretion."

FACT: The district courts opinion that a judge made ruling is in legal contemplation superior to the clear provisions of the United States Constitution is an obvious erroneous view of the Law and therefore, an automatic abuse of discretion occurred making the ruling improper and illegal.

⊗ "Where rights secured by the Constitution are involved, there can be no RULE or legislation made which would abrogate them." Miranda v. Arizona, (1966) 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed 2d 694

9A-7 (R2)

FACT: "Every public officer commits extortion and oppression, who in the exercise or under the color of exercising the duties of his office abuses any discretionary power with which he is invested in Law." Black's Law Dictionary (2009)

- ② In accordance with Article VI of the United States Constitution and Title 4 U.S.C. § 101, the district court judge is bound by Oath or Affirmation to support the U.S. Constitution, of which violation of the Oath results in the crime of Perjury. The judge undeniably breached his Oath and failed to fulfill his duties imposed and defined by law when he willfully chose to support the Washington State constitution and a judge made ruling instead of the object to which his fidelity is bound. As a result, his willful and knowledgeable violation of the Oath he made upon entering into his Office, has now resulted in his guilt of the crime of Perjury, as clearly evidenced by the facts of the case, the judge is also now guilty of the crime of Extortion, due to his abuse of discretion, as clearly evidence by the facts of the case. Therefore, in accordance with Article III of the United States Constitution, the district court judge is no longer fit to continue in his Office, as he is no longer in Good Behavior and has knowingly and willingly engaged in criminal behavior and undeniably committed

9A-8 (R2)

crimes through the intentional abuse of Powers vested in him by the Law as well as in violation of the faithful duties and Oaths of the Office in which he serves. His acts were neither harmless nor a mistake, as the record WILL reflect that he was clearly informed numerous times of his criminal negligence and wanton misconduct, to which he consciously chose to proceed with reckless disregard to his legal duties and despite awareness of the criminal conditions. His immunity applies only to civil liability (although Malice Exception may be appropriate in this case), as the doctrine of Master/Servant places willful and negligent damages to third persons, by agents, upon the agents master. However, in accordance with the United States Supreme Courts decision in Imbler v. Pachtman, "Even judges cloaked in absolute civil immunity for centuries, can still be held criminally liable for willful deprivations of Constitutional rights." Therefore, the district court judge has no immunity from the crimes of Obstruction of Justice, Perjury and Extortion. This court now has foreknowledge of crimes which have been, and are being committed against the Petitioner and now has a fiduciary duty to report those crimes, of which failure to act and report the crimes to the proper authorities for adjudication will be a violation of a statutory obligation and perhaps the crimes of Misprison (Title 18 U.S.C. § 4) and Conspiracy to Obstruct Justice (Title 18 U.S.C. § 371, Title 42 U.S.C. § 1985(a))

9A-9 (R2)

"If two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of Justice in any state, with the intent to deny to any citizen the equal protection of laws" and Title 42 U.S.C. §1986 "Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in the preceeding section <1985>, are about to be committed, and having the power to prevent or aid in preventing the commission of the same, neglects or refuses to do so, may be joined as defendants in the action."

The district courts ruling was born out of the judges crimes and the courts breach of legal duty. This is a Miscarriage of Justice and therefore, illegal and invalid, as it is predicated upon a criminal act and made by a person who, in accordance with the United States Constitution, no longer has the authority to rule on the merits of the petition. No one, including district court judges or any Officers of the judiciary have the right to break the Law, or breach their duties imposed by Positive Law.

- ③ In accordance with Constitutional Law §171, "State courts and federal courts are equally obligated to guard and enforce every right secured by the federal Constitution." An obligation refers to anything a person is "Bound" to do or fore bear from doing. Looked at from the perspective

9A-10 (R2)

of the one bound, the obligation is a duty; looked at from the perspective of the one entitled, the obligation is a right. The courts of the State of Washington underiably breached its duty /obligation to guard and enforce every right secured by the federal Constitution the moment that it began enforcing a law that abridges the Privileges and Immunities of United States Citizens secured by the United States Constitution. The federal district court has now breached its duty /obligation to guard and enforce every right secured by the federal Constitution, in its ruling in favor of laws and rulings that are Contrary to the United States Constitution. Any unconstitutional law, be it a statute, ordinance, regulation, custom or judge-made ruling is in legal contemplation, no law at all. It secures no rights, it imposes no duties, it provides no protection, no court is bound to enforce an unconstitutional law and no person is bound to obey an unconstitutional law.

- ④ The district court judge ignored material evidence presented to him on numerous occasions, as the record WILL reflect, thus resulting in a highly biased and prejudicial ruling, which is contrary to the law as well as violates the Statutory Obligations imposed upon the judge by positive law. Three seperate times, the judge was clearly informed of the Ineffective Corrective Process by way of Statutory

9A-11(R2)

Exemption to the exhaustion of state remedies mandate and all three times the judge outright ignored and failed to address the evidence raised. Furthermore, the judge was informed numerous times, as the record WILL reflect, that this petition is controlled under the prescriptions of Title 28 U.S.C. § 1343, as a civil rights violation and imposing the statutory obligation onto the federal district court to rule on the petition FIRST and before any other courts, including the courts of the State of Washington. The courts refusal to rule on the petition first and demand that the Petitioner seek a state court ruling before it will act is a blatant disregard of the positive laws enacted by the people and the duties that they impose by shifting original jurisdiction from its own court to the courts of the state, contrary to law. The courts are tethered to positive laws and do not have legal authority to violate or change the laws enacted by the people. If there is any legal authority that supports the courts refusal to rule on this petition or is contrary to the provisions of the numerous authorities presented by the Petitioner and reflected by the case, it should be presented to the record and let it be known, otherwise, it is a willful, knowledgeable, blatant and reckless disregard of the law and the courts legal duty to act. Additionally, the courts failure to cite any legal authority (Positive law - By the People) that supports the judges opinion, or that counters the numerous authorities

9A-12 (R2)

presented by the Petitioner is evidence that in arriving at the finding of fact, the judge ignored and erroneously excluded material evidence and determined the facts in an incomplete and unfair manner. Additionally, neither the court, nor the state addressed either of the claims raised within Ground Two of the Writ of Habeas Corpus (Article IV, Section 2, and Article VI, both of the United States Constitution), nor did either the court or the state address the claim raised within Ground Four of the Writ of Habeas Corpus (Privileges and Immunities Clause - 14TH Amendment to the United States Constitution). Although there is no denying or excuse for the obvious violations of the claims raised in all Four Grounds of the Writ of Habeas Corpus, which makes it reasonable to assume that neither the court, nor the state, would want to address those issues, this act of deliberate indifference demonstrates extreme bias and prejudice, as there was no consideration of the totality of the petition. Simply choosing to ignore the evidence presented, does not make it cease to exist. Deciding to only consider part of the claim and ignore the rest proves bias, prejudice and partiality. This partiality is contrary to the courts legal obligations, it violates the Petitioners legal rights, it improperly administers Justice, it imposes unfair and unequal treatment of people, it is highly destructive to American Constitutional laws, it brings dishonor upon the credibility and sustainability of the Justice System

9A-13 (R2)

and is, by its very nature; criminal (Title 18 U.S.C. § 2384). This was not a harmless error or a mistake, as a mistake results in corrective action and repentance once made aware of the conditions. Since a conscious decision was made to proceed, despite being made fully aware of the illegal conditions, as the record WILL clearly reflect, this can no longer be claimed a mistake or an error; it is now willful defiance of the United States Constitution and willful, knowledgeable and reckless criminal acts.

Judges are legally bound to fidelity with and to the United States Constitution, in accordance with Article VI. Judges are independent, their Oath is direct and they cannot blame someone else's infidelity or another branch's acts or decisions as the cause of their own criminal acts or negligence. Ignorance is not a defense, simply because you do not understand the Laws of Gravity, or believe in the Laws of God, does not mean that you are not bound by them. Lack of knowledge resulting in a violation, does not eliminate you from the ramifications of such violations. The illegal and highly destructive acts perpetrated by the Justice System, although I do not believe were intentional or malicious in the beginning, however, they clearly are now, does not negate their existence. Crimes done in secret and in the dark are still crimes and Justice still deserves to be rendered.

⑤ In accordance with Canon 1 of the U.S. Judiciary Code of

9A-14 (R2)

Conduct, "A judge should be independent, but they MUST comply with the law." Simply carrying the title "Judge" does not provide the entitlement to violate the Law, either personally or professionally. The bench and law provides no protection from willful criminal acts. In the wise words of our Lord Jesus Christ, "You are so proud of how well you know the law, yet you dishonor God by breaking it." Interestingly, that statement was also directed at judges then, just as it is now. Additionally, in accordance with Canon 2, a judge "must demonstrate Respect for Law and must act at all times in a manner that promotes confidence in the integrity and impartiality of the judiciary." Negligence of one's legal duties, or predicating one's decisions upon the erroneous or illegal decisions of someone else and not in relation to the object of which the person is legally bound to protect does not hold the person harmless for the breach of duty. A judge must conduct himself in a manner consistent with the expectations of the Office for which he serves as well as the duties impressed upon him and assigned to him.

In accordance with Canon 2A, "An appearance of impropriety occurs when reasonable minds, with knowledge of the relevant circumstances disclosed by a reasonable inquiry would conclude that a judge's honesty, integrity and impartiality to serve as a judge is impaired." It is safe to conclude that given the facts of this case, the evidence available, the data compiled;

9A-15 (R2)

no reasonable person could conclude that the judge did not act dishonestly, without integrity, with extreme partiality and with clear criminal intentions to "compel a result by illegal means" (Extortion), "failed to act when there was a duty to do so, in reckless disregard of the Petitioner's rights, coupled with the knowledge that injury will occur" (Wanton Misconduct) and "A conscious, voluntary omission in reckless disregard of a legal duty and of the consequences to the Petitioner" (Gross Negligence). The law is clear, every public officer commits extortion and oppression, who in the exercise or under the color of exercising the duties of his office, abuses any discretionary power with which he is invested in Law.

⑥ The court has stated, "It is unclear whether the unexhausted claims are potentially meritorious." This statement is absolutely ridiculous however, for "clarity," consider the following:

1) The 5th Amendment to the United States Constitution states, "No person shall be held to answer for a capital or otherwise infamous crime, unless on the presentment or indictment of a Grand Jury."

FACT: Petitioner was HELD to answer for an infamous crime without a presentment or indictment of a Grand Jury.

⊛ The United States Supreme Court has already ruled that the

9A-16 (R2)

Petitioner is entitled to release, "If petitioner was HELD in custody in violation of the Constitution or law of the U.S., or act done or omitted in pursuance of a law of the U.S. he will be discharged."

In re Loney, (1890) 134 U.S. 372, 33 L. Ed 949, 10 S.Ct. 584

In re Veagle, (1890) 135 U.S. 1, 34 L. Ed 55, 10 S.Ct. 658

(*) The district courts failure to act is not only in violation of the United States Constitution, but also in violation of the orders of the highest court in the Land.

2) Article IV, Section 2. of the U.S. Constitution states, "The Citizens of each State shall be entitled to all privileges and immunities of Citizens in the several states."

FACT: Petitioner is being deprived of a privilege and an immunity secured by the federal Constitution and enjoyed by Citizens in other states.

(*) Title 42 U.S.C. § 1981 states, "All persons within the jurisdiction of the United States shall have the same right in every state to the full and equal benefit of all laws and proceedings."

3) Article VI of the U.S. Constitution states, "This Constitution and the Laws of the United States shall be the supreme Law of the Land and the Laws of any State to the Contrary notwithstanding."

9A-17 (R2)

FACT: The State of Washington has a law in place which functions directly to the Contrary of the U.S. Constitution and is being enforced despite its unconstitutionality.

⊛ "An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation as inoperative as though it had never been passed."

Norton v. Shelby County, 118 U.S. 425 p. 442

FACT: The legislative branch makes or changes laws based upon the decisions of the people in accordance with Article I of the United States Constitution. This separation of powers is designed to prevent arbitrary or capricious ruling. The People of the United States choose to change the Constitution and NOT judges or States, in accordance with Article V.

4) Amendment XIII to the U.S. Constitution states, "Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been DULY convicted shall exist within the United States, or any place subject to their jurisdiction."

FACT: "Duly" is defined by Blacks Law Dictionary as, "In accordance with proper procedures." The State of Washington has enslaved thousands of United States Citizens, including the Petitioner and forced them into involuntary servitude, in order to generate revenue

9A-18(R2)

and profit for the state through the illegal enterprise of human commodity. The state has done this in a manner Contrary to the established procedures set forth by the United States Constitution and therefore, not in the "Duly" (Due) manner and its "Slave Industry" disguised as "Justice" is in violation of the 13TH Amendment. This prostitution of our government in order to advance the selfish or financial gain of the few at the expense of the many is a disgrace to U.S.

⊛ "Ought not all the safeguards of liberty known in civilized and humane jurisprudence be introduced, so that a free man be not, in any case, surrendered as a slave?" President Abraham Lincoln

⊛ "The purpose of the Writ of Habeas Corpus is to safeguard a person's freedom from detention in violation of Constitutional guarantees." Blackledge v. Allison, (1977) 431 U.S. 63, 52 L.Ed 2d 136, 97 S.Ct. 1621

5) Amendment XIV to the U.S. Constitution states, "No state shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States."

FACT: There is no denying that the state has enacted a law that abridged the privileges of United States Citizens and there is no denying that the State enforced a law that abridged the

9A-19 (R2)

Immunities of the Petitioner when he was held to answer for an infamous crime without a presentment or indictment of a Grand Jury. States cannot substitute their own alternative legislation for federal laws and regulations. If in the opinion of the People of the United States, the guarantees or freedoms of the Constitution be in any particular way wrong, let it be corrected by an amendment in the way which the Constitution designates! Until, if and when that time comes, every single United States Citizen, including the Petitioner, is entitled to every single United States right contained within the United States Constitution, including an indictment of a Grand Jury.

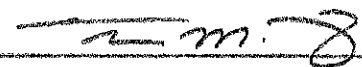
With all due respect to the court, if these violations of the United States Constitution are still "unclear" whether or not they are "Potentially Meritorious," then this may not be a legal issue, rather a competency issue. The court will have a very hard time, if not impossible, finding even a single reasonable jurist and United States Citizen willing to rule against the merits of this petition, as that decision would adversely impact their own Constitutionally guaranteed freedoms.

While it is not the responsibility of a subordinate to probe the motivation of his superiors, if he has good reason to believe that his master's cause is unjust, he should obey his conscience and refuse to comply. Ultimately, the servant of a tyrant cannot take refuge in the excuse that he was just "obeying orders." Therefore, in the words of President

Abraham Lincoln, "I do suggest that it will be much safer for all, both in official and private stations, to conform to, and abide by, all those Acts which stand unrepealed, than to violate any of them, trusting to find impunity in having them held unconstitutional."

I remain, patiently waiting, believing in the Justice System and faithful that it still works, because if not, then God help us all!

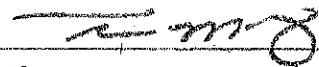
Respectfully & Peacefully
a Servant of Justice,



Tanawah M. Downing
Petitioner, Pro Se

I hereby certify that on September 19, 2019, I uploaded the foregoing document to the court through the law library at Coyote Ridge Correctional Center.

Respectfully & Peacefully,



Tanawah M. Downing
Petitioner, Pro Se

CV-1

United States Circuit Court of Appeals
for the Ninth Circuit

Tanawah M. Downing
Petitioner

V.

Jeffrey A. Uttecht
Respondent

Case No.:

Application for Leave to File
Second Petition under 28
U.S.C. § 2254

Petitioner respectfully submits to the court for consideration, this Application for Leave to File Second Petition under Title 28 U.S.C. § 2254.

Petitioner requests permission from the United States Circuit Court of Appeals for the Ninth Circuit to submit a second Petition for Writ of Habeas Corpus pursuant to Title 28 U.S.C. § 2254. This Writ of Habeas Corpus is an original civil action challenging the Constitutionality of Article I, Section 26. of the Washington State constitution, which is directly and facially unconstitutional, as well as deprives the Petitioner and every single United States Citizen of equal rights and equal protection under the Law, under the color of state law, in violation of the United States Constitution and Title 42 U.S.C. § 1981. Therefore, this matter is clearly controlled under the provisions of Title 28 U.S.C. § 1343, as a civil rights violation and

the district court has original jurisdiction, as prescribed by Law. This duty for the district court to rule on the merits of this petition first and before any other courts, including the courts of Washington State, is further assigned by Title 28 U.S.C. § 1331 and Title 28 U.S.C. § 2254 (b)(1)(B)(ii)(5)(f).

This request to submit a second petition derives from the misconduct and criminal acts perpetrated by the district court judge, Thomas O. Rice, when he illegally and improperly Dismissed the first Writ of Habeas Corpus, Downing v. State of Washington, case number: 4:19-CV-05055-TOR, by ignoring and improperly excluding material evidence raised in the petition therefore, providing a ruling in an unfair and incomplete manner. Petitioner therefore requests permission to proceed with a second petition, as he is clearly entitled to relief from his illegal imprisonment, as well as a proper and legal administration of Justice.

Respectfully & Peacefully
a Servant of Justice,



Tanawah M. Downing
Petitioner, Pro Se

LC-1

United States Circuit Court of Appeals Ninth Circuit

Tanawah M. Downing
Petitioner

Case No.:

v.

Letter of Consideration

Jeffrey A. Uttech
Respondent

Petitioner respectfully submits to the court this letter of consideration for leave to file second petition.

Petitioner requests to submit a second Writ of Habeas Corpus pursuant to Title 28 U.S.C. § 2254. This Writ of Habeas Corpus is an original civil action, it is not a relitigation, an appeal or a mechanism requesting federal review of judgment of conviction. If this were an appeal, or a mechanism requesting federal review of Petitioners judgment of conviction, it would be appropriate for Petitioner to exhaust state remedies, as the state has original jurisdiction of the Petitioners judgment and sentence. However, since this petition is a Constitutional challenge⁽⁸⁴⁾ of state action,⁽⁸⁵⁾ specifically, Article I. Section 26. of the Washington State Constitution, which states, "No grand jury shall be drawn or summoned in any county, except the superior judge thereof shall order," which is unconstitutional on its face⁽⁸⁶⁾ and contrary⁽⁸⁷⁾ to the clear and unambiguous⁽⁸⁸⁾ provision of Amendment V to the United States Constitution, it is necessary to determine what court has jurisdictional authority to oversee the disposition

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of this matter.

In accordance with Title 28 U.S.C. § 1343 - Civil Rights and Elective Franchise, the federal district court has original jurisdiction in this action, as "The district court has original jurisdiction of any civil action authorized by law to be commenced by any person." This statute is prescribed to redress the deprivation, under the color of state law, of any right, secured by the Constitution of the United States providing for equal rights of all citizens or of all persons within the jurisdiction of the United States. Petitioner is being denied equal rights, under the color of state law, therefore, as "a person" bringing this "civil action" within the "jurisdiction of the United States," the district court has original jurisdiction over this matter. As a result, there are no remedies to be exhausted to reach jurisdictional authority for the district court to rule on the merits of this petition.

It is undeniable that the United States Constitution is the "Supreme Law of the Land."⁽⁹⁷⁾ It is undeniable that the United States Constitution enjoys legal superiority⁽⁹⁸⁾ over any conflicting provision of a state constitution or laws. It is undeniable that the United States Constitution clearly and unambiguously requires an indictment by a Grand Jury before a person can be held to answer for a capital or infamous crime and it is undeniable that Article I, Section 26, of the Washington State Constitution⁽⁹⁹⁾ directly and facially violates the Laws of the United States Constitution and the Rights of it's Citizens.⁽¹⁰⁰⁾

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Regardless of the verbiage used, the state has enacted and is enforcing a law that abridges the privileges and immunities of Citizens of the United States in violation of the United States Constitution. Therefore, this is a public wrong of Constitutional dimension occurring under the color of state law and the federal courts may intervene (see Smith v. Phillips, 455 U.S. 209, 221); indeed, to preserve the United States Constitution, this court should intervene!

Any law that is contrary to the United States Constitution is, by its very nature, "unconstitutional" and shall not withstand, regardless of how long it has existed or how many times it has unlawfully been applied. Case law is not the "supreme law of the land" and does not have the authority to alter the provisions of the United States Constitution. America's Constitution is a rigid constitution and can only be amended by an Act of the United States Congress, in accordance with Article V. Neither judge, nor a state has the legal authority to change or violate that which the people have constituted. To date, no amendment to the 5th Amendment of the United States Constitution has been presented or adopted by the United States Congress, therefore, Petitioner is entitled to the full and equal benefit of the Law, as a United States Citizen, regardless of where within the jurisdictional United States he chooses to reside. Since the United States Constitution is an Act of Congress, the federal court

LC-4

has the power to grant this writ under Title 28 U.S.C. § 2241 (b)(2) and (3), as:

- 1) Petitioner is in custody for an act omitted in pursuance of an Act of Congress of the United States, and
- 2) Petitioner is in custody in violation of the United States Constitution and the Laws of the United States.

The Grand Jury Clause of the United States Constitution is an affirmative statute,⁽¹⁰¹⁾ as it provides positive action and direction prescribing what must occur before a person can be held to answer for a capital or infamous crime. The judges in every state, including Washington (Refer to Article VI of the U.S. Constitution and Article I, Section 28,⁽¹⁰⁵⁾ of the Washington State constitution), chose to obligate⁽¹⁰⁶⁾ themselves by Oath or promise to "any Thing" in the Constitution of the United States or "Laws of any state to the Contrary notwithstanding." As a duty, failure to act,⁽¹⁰⁷⁾ willfully or negligently,⁽¹⁰⁸⁾ results in a violation of the Petitioner's corresponding right⁽¹⁰⁹⁾ to receive the fruits of the obligation. Rights always derive from another's duty to act. The Citizen's of the United States have the right⁽¹¹⁰⁾ to due process of the Law because the judges in every State have the duty to ensure that the rights are provided.⁽¹¹¹⁾ Duties that are defined affirmatively and applied statutorily are not discretionary.⁽¹¹²⁾ The judges in every State are "bound thereby any Thing in the

LC-5

Constitution or Laws of any state to the Contrary notwithstanding." Therefore, Article I. Section 26. of the Washington State Constitution must be destroyed⁽¹¹³⁾ and preemptively replaced with the correct United States Constitutional provision.

Imprisonment without legal cause or merely on executive authority is precisely the reason why the Writ of Habeas Corpus was included in American Laws dating back to 1628 and Taxation without Representation. Today, we find conditions and laws in the State of Washington demanding the exercise of this Great Writ for the purpose in which it was created, and not simply as an appeal, for which it has been expanded to include.⁽¹¹⁴⁾

Petitioner is being denied equal protection⁽¹¹⁵⁾ of the law and equal rights⁽¹¹⁶⁾ as a United States Citizen based solely upon his geographic location with no other reasonable differentiating attributes for such deprivation. As a fundamental Constitutional right⁽¹¹⁷⁾, expressly identified within the Bill of Rights⁽¹¹⁸⁾ of the United States Constitution, any attempt to deprive Petitioner of an indictment by a Grand Jury before being held to answer for an infamous crime, must pass strict scrutiny⁽¹¹⁹⁾ and compelling-state-interest tests⁽¹²⁰⁾, which to date, have not been performed. This is a direct, systemic discrimination of a fundamental right for a suspect classification, under the color of state law⁽¹²¹⁾ therefore, due process analysis⁽¹²²⁾ must be performed. The State of Washington has willfully established a class of persons and in turn, deprived⁽¹²³⁾

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them of the equal rights and protection of the Laws guaranteed by the United States Constitution, which is a civil rights violation governed under Title 28 U.S.C. § 1343 and the jurisdictional authority of the United States District Courts. This violation is contrary to Title ~~28~~⁴²⁻⁸ U.S.C. § 1981⁽¹²⁴⁾, which states, "All persons within the jurisdiction of the United States shall have the same right in every state... to the full and equal benefit of all laws and proceedings." The 5TH Amendment is a law of the United States, the Grand Jury is a proceeding guaranteed by the Laws of the United States and Washington State is subject to the jurisdiction of the United States. Therefore, as a person and Citizen of the United States, Petitioner is entitled to the full and equal benefit of the 5TH Amendment Law and the Grand Jury proceedings. In accordance with Constitutional Law § 171⁽¹²⁵⁾, "state courts are under an obligation to guard and enforce every right secured by the federal Constitution," and the judges in every state are bound by Oath and promise to the same obligation. This obligation, of the state and the judges, was undeniably breached⁽¹²⁷⁾ the moment that the Petitioner was held to answer for an infamous crime without having an indictment by a Grand Jury⁽¹²⁸⁾, under the color of state law and in violation of the Laws of the United States Constitution.

The court refers to Gaines v. State of Washington⁽¹²⁹⁾ as representative case law pertaining to this petition however, it is worthy to note that "Gaines" simply makes reference to the State of

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Washington having provisions⁽¹³⁰⁾ in its laws to "prosecute with information or indictment, as prescribed by law." That provision referenced is actually Article I, Section 25.⁽¹³¹⁾ of the Washington State Constitution and Petitioner is challenging Article I, Section 26. of the Washington State Constitution, as clearly stated numerous times in the petition. Therefore, "Gaines" does not apply to this petition, as it addresses a different state constitutional provision.

Only noncompliance with federal law renders a states criminal judgment susceptible to collateral attack in federal court (see Wilson v. Corcoran, 562 U.S. 1, 5). This writ derives precisely from the States noncompliance with federal laws, specifically, the United States Constitution and that noncompliance cannot be disputed because the State has a statute in place which "expressly forecloses relief on the merits." In accordance with Title 28 U.S.C. § 2254 (b)(1)(B) (ii)(5)(F), this is an "Ineffective Corrective Process" resulting in a Statutory Exception to the Exhaustion of State Remedies. There is no state remedy because, "Presentation to state court is futile" due to the unconstitutional state statute, Article I, Section 26., which "expressly forecloses relief on the merits of Petitioners procedural situation" (see Clark v. Pennsylvania, 892 F.2d 1142, 1149 (3RD Cir. 1989). Additionally, "28 USC. § 2254 (b) does not apply when resorting to them would be ineffective to protect Constitutional rights." (See Motes v. Leake). The federal Constitutional violation is not disputable due to the states

LC-8

enactment and enforcement of an unconstitutional statute. Petitioners federally conferred Constitutional rights have been violated by the State of Washington therefore, resulting to state remedies would only lengthen and compound the violation, as the State of Washington has already expressly foreclosed on relief of the petitions merits. This matter can only be resolved by federal court intervention, upholding the federally conferred Constitutional rights of the Petitioner and the restoration of federal-individual Comity for United States Citizens residing in the State of Washington.

In conclusion, Petitioner asks the court to perform a "4 corner test"⁽¹³⁾ on the United States Constitution to determine the clear answers to the following claims raised in the Petitioners Writ of Habeas Corpus:

- 1) Does the United States Constitution allow for any person to be held to answer for an infamous crime without a presentment or indictment of a Grand Jury? See Amendment V
- 2) Does the United States Constitution allow for United States Citizens residing in one state to be denied rights secured by the United States Constitution and enjoyed by United States Citizens residing in other states? See Article IV. Section 2.

LC-9

- 3) Does the United States Constitution allow for state constitutions to have provisions that are contrary to its provisions? See Article VI
- 4) Does the United States Constitution allow for states to place United States Citizens into involuntary servitude in state-run for profit industries for the benefit of the state arbitrarily and without complying with the federally established legal processes? ⁽¹³⁾ See Amendment XIII
- 5) Does the United States Constitution allow for states to enact and enforce laws that abridge the privileges and immunities of Citizens of the United States? See Amendment XIV
- 6) Does the United States Constitution permit changes or amendments to its provisions in any way other than an Act of the Congress of the United States? See Article V

In 1858, President Abraham Lincoln delivered to the nation words quite fitting to close this Letter and on the heels of the 243RD anniversary of the signing of our nations Declaration of Independance, the wisdom contained in these words are in need of application today:

"In the founders enlightened belief, nothing stamped with the

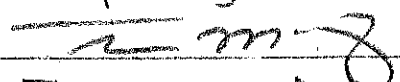
LC-10

divine image and likeness was sent into the world to be trodden on and degraded and imbuted by it's fellows. They grasped not only the whole race of man then living, but they reached forward and seized upon the farthest posterity. They erected a beacon to guide their children and their children's children and the countless myriads who should inhabit the earth in other ages. Wise statesmen as they were, they knew the tendency of prosperity to breed tyrants and so they established these great self-evident truths, that when in the distant future some man, some faction, some interest, should set up the doctrine that none but rich men, or none but white men, were entitled to Life, Liberty and the Pursuit of Happiness, their posterity might look up again to the Declaration of Independence and take courage to renew the battle which their fathers began- so that truth, justice and mercy and all the human and Christian virtues might not be extinguished from the Land; so that no man would hereafter dare to limit and circumscribe the great principles on which the Temple of Liberty was being built."

God bless this court and God bless America.

Signed this 18TH day of September, 2019.

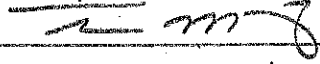
Respectfully and Peacefully,



Tanawah M. Downing
Petitioner, Pro Se

LC-11

I hereby certify that on September 19, 2019, I uploaded the foregoing document to the court through the law library at Coyote Ridge Correctional Center.

Respectfully & Peacefully,

Tanawah M. Downing
Petitioner, Pro Se

**Form 12. Application for Leave to File Second or Successive Petition Under
28 U.S.C. § 2254 or Motion Under 28 U.S.C. § 2255**

(New, 7/1/02; Rev. 7/1/16)

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

P.O. Box 193939

San Francisco, California 94119-3939

Docket Number (to be provided by Court) _____

Applicant Name Tanawah M. Downing

Prisoner Registration Number 394345

Address Unit BB, Cell 06 U, P.O. Box 769, Connell, WA 99326

Name of Respondent (Warden) Jeffrey A. Uttecht

Instructions - Read Carefully

- (1) This application, whether handwritten or typewritten, must be legible and signed by the applicant under penalty of perjury. An original must be provided to the Clerk of the Ninth Circuit. The application must comply with 9th Circuit Rule 22-3, which is attached to this form.
- (2) All questions must be answered concisely. Add separate sheets if necessary.
- (3) If this is a capital case, the applicant shall serve a copy of this application and any attachments on respondent and must complete and file the proof of service that accompanies this form. If this is not a capital case, service on the respondent is not required.
- (4) The proposed 28 U.S.C. § 2254 petition or 28 U.S.C. § 2255 motion that applicant seeks to file in the district court must be included with this form.
- (5) Applicants seeking authorization to file a second or successive section 2254 habeas corpus petition shall include copies of all relevant state court decisions if reasonably available.

You *Must* Answer the Following Questions:

- (1) What conviction(s) are you challenging?

This is an original civil action challenging the Constitutionality of Article I, Section 26, of the WA State constitution. It is not an appeal or mechanism requesting federal review of Petitioner's judgment of conviction however, Petitioner is currently illegally incarcerated for Violation of Court Order.

- (2) In what court(s) were you convicted of these crime(s)?

Benton County Superior Court, Benton County, Kennewick, WA

(3) What was the date of each of your conviction(s) and what is the length of each sentence?

February 13, 2018 - 24 months

For questions (4) through (10), provide information separately for each of your previous §§ 2254 or 2255 proceedings. Use additional pages if necessary.

(4) Has the judgment of your conviction or sentence been modified or amended? If yes, when and by what court?

No - Not Applicable

(5) With respect to **each** conviction and sentence, have you ever filed a petition or motion for habeas corpus relief in federal court under 28 U.S.C. § 2254 or § 2255?

Yes ☒ No ☐

(a) In which federal district court did you file a petition or motion?

Eastern District of Washington

(b) What was the docket number?

4:19-CV-5055-TOR

(c) On what date did you file the petition/motion?

April 10, 2019

(6) What grounds were raised in your previous habeas proceeding?
(list all grounds and issues previously raised in that petition/ motion)

Amendment V, Article IV, Section 2., Article VI,
Amendment XIII, Amendment XIV

(7) Did the district court hold an evidentiary hearing? Yes ☐ No ☒

(8) How did the district court rule on your petition/motion?

☒ District court **dismissed** petition/motion? If yes, on what grounds?

Rule 4 - Exhaust State Remedies

☐ District court **denied** petition/motion;

☐ District court **granted** relief; if yes, on what claims and what was the relief?

(9) On what date did the district court decide your petition/motion?

May 14, 2019

(10) Did you file an appeal from that disposition?

Yes ☐ No ☒

(a) What was the docket number of your appeal?

(b) How did the court of appeals decide your appeal?

(11) State concisely each and every ground or issue you wish to raise in your current petition or motion for habeas relief. Summarize briefly the facts supporting each ground or issue.

Article IV, Article V, Article VI, Amendment V, Amendment XIII, Amendment XIV - Refer to included data for supporting facts and argument for each ground.

(12) For each ground raised, was it raised in the state courts? If so, what did the state courts rule and when? (Attach a copy of all relevant state court decisions, if available)

None - in accordance with Title 28 U.S.C. § 1331, 1343 § Title 28 U.S.C. § 2254 (b)(1)(B)(i)(5)(F)

(13) For each ground/issue raised, was this claim raised in any prior federal petition/motion? (list each ground separately)

All grounds herein have been raised previously to district court however, court abuse discretionary authority and breached the statutory obligation imposed by Law in dismissing without consideration of the petitions merits and willful disregard of duty to protect Petitioners Constitutional rights.

(14) For each ground/issue raised, does this claim rely on a new rule of constitutional law? (list each ground separately and give case name and citation for each new rule of law)

No, this claim relies upon Constitutional Law ratified on December 15, 1791 with the Bill of Rights Resolved by the Senate and House of Representatives of the United States of America.

(15) For each ground/issue raised, does this claim rely on newly discovered evidence? What is the evidence and when did you discover it? Why has this newly discovered evidence not been previously available to you? (list each ground separately)

No

(16) For each ground/issue raised, does the newly discovered evidence establish your innocence?
How?

Not Applicable

(17) For each ground/issue raised, does the newly discovered evidence establish a federal constitutional error? Which provision of the Constitution was violated and how?

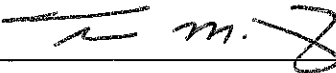
Article IV, Article V, Article VI, Amendment I, Amendment IV, Amendment V,
Amendment VI, Amendment XIII, Amendment XIV

(18) Provide any other basis for your application not previously stated.

The evidence and supporting documentation present irrefutable, reasonable, sound, just and clear violations
of the rights bestowed upon the Petitioner by the United States Constitution and as designed by
our Creator. There is no denial that Petitioners Constitutional Rights have been violated by the State of WA.

Date: June 25, 2019

Signature:



In capital cases only, proof of service on respondent MUST be attached. A sample proof of service is attached to this form.

Attach proposed section 2254 petition or section 2255 motion to this application.

Table of Contents (ToC)

Page 2 ~ Page 16	~ Writ of Habeas Corpus
A1 ~ A3	~ Addendums 1-3
X-1 ~ X-9	~ Appendix of Supplemental Data
S-1 ~ S-57	~ Supplemental Data
M1 ~ M2	~ Motions 1-2
LI-1 ~ LI-6	~ Letter of Introduction

**PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

United States District Court		District: <u>Eastern Washington</u>
Name (under which you were convicted): <u>Tanawah M. Downing</u>		Docket or Case No.:
Place of Confinement : <u>Coyote Ridge Correctional Center - Washington</u>		Prisoner No.: <u>394345</u>
Petitioner (include the name under which you were convicted) <u>Tanawah M. Downing</u>		Respondent (authorized person having custody of petitioner) v. <u>Jeffrey A. Uttecht</u>
The Attorney General of the State of: <u>Washington</u>		

PETITION

1. (a) Name and location of court that entered the judgment of conviction you are challenging:

Benton County Superior Court - Kennewick, WA

(b) Criminal docket or case number (if you know): 171012444

2. (a) Date of the judgment of conviction (if you know): February 13, 2018

(b) Date of sentencing: February 13, 2018

3. Length of sentence: 24 months

4. In this case, were you convicted on more than one count or of more than one crime? ☐ Yes ☒ No

5. Identify all crimes of which you were convicted and sentenced in this case:

Domestic Violence Court Order Violation * Refer to Addendum I

6. (a) What was your plea? (Check one)

☒ (1) Not guilty ☐ (3) Nolo contendere (no contest)
☐ (2) Guilty ☐ (4) Insanity plea

(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to? Not Applicable

(c) If you went to trial, what kind of trial did you have? (Check one)

☒ Jury ☐ Judge only

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

☐ Yes ☒ No ☒ Refer to Addendum II

8. Did you appeal from the judgment of conviction?

☒ Yes ☐ No

9. If you did appeal, answer the following:

(a) Name of court: Court of Appeals of the State of Washington - Division III

(b) Docket or case number (if you know): 35865-8-III

(c) Result: Denied

(d) Date of result (if you know): _____

(e) Citation to the case (if you know): _____

(f) Grounds raised: Reversal is required where the trial court erred in permitting Tanawah Downing to represent himself and permitting him to proceed without appointing standby counsel.

(g) Did you seek further review by a higher state court? ☐ Yes ☒ No

If yes, answer the following:

(1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Result: _____

(4) Date of result (if you know): _____

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(Rev. 01/15)

Page 4

(5) Citation to the case (if you know): _____

(6) Grounds raised: _____

(h) Did you file a petition for certiorari in the United States Supreme Court? ☐ Yes ☒ No

If yes, answer the following:

(1) Docket or case number (if you know): _____

(2) Result: _____

(3) Date of result (if you know): _____

(4) Citation to the case (if you know): _____

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court? ☐ Yes ☒ No

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised: _____

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☐ No

(7) Result: _____

(8) Date of result (if you know): _____

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(Rev. 01/15)

Page 5

(b) If you filed any second petition, application, or motion, give the same information:

(1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised: _____

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☐ No

(7) Result: _____

(8) Date of result (if you know): _____

(c) If you filed any third petition, application, or motion, give the same information:

(1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised: _____

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☐ No

(7) Result: _____

(8) Date of result (if you know): _____

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: ☒ Yes ☐ No

(2) Second petition: ☐ Yes ☐ No

(3) Third petition: ☐ Yes ☐ No

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

28 § 1331
The State of Washington⁽¹⁾ does not have jurisdictional authority⁽²⁾ to decide on United States Constitution⁽³⁾ matters, which are outside its jurisdictional or statutory governing limits,⁽⁴⁾ in accordance with Title 28 U.S.C. § 1331.⁽⁵⁾

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

28 § 1343
GROUND ONE: I am currently illegally and unlawfully imprisoned as a result of the abrogation of my federally conferred Constitutional rights by the State of Washington and its willful defiance of the established procedures and processes set forth by the U.S. Constitution.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

28 § 1343
The 5th Amendment⁽⁵⁾ to the United States Constitution guarantees that, "No person shall be held to answer for a capital or otherwise infamous crime⁽⁶⁾, unless on the presentment or indictment⁽⁷⁾ of a Grand Jury⁽⁸⁾." Article I, Section 26 of the Washington State Constitution states, "No grand jury⁽⁹⁾ shall be drawn or summoned in any county, except the superior judge thereof shall order," which directly contradicts⁽¹⁰⁾ the United States Constitution⁽¹¹⁾ and the Laws of the U.S.,⁽¹²⁾ as well as violates the duly established procedures and processes of the Law.⁽¹³⁾ As a result of the States willful defiance of the due process⁽¹⁴⁾ for the adjudication of Crimes, no bill of indictment⁽¹⁵⁾ has been brought against me therefore, my arrest, my conviction and my imprisonment are all illegal.

(b) If you did not exhaust your state remedies on Ground One, explain why: My rights⁽¹⁶⁾ as a United States Citizen⁽¹⁷⁾ are guaranteed⁽¹⁸⁾ to me by the United States Constitution therefore, the court with jurisdictional authority to decide whether to enforce or deny me of such a right is a court of federal jurisdiction. As long as the State of Washington is acting in willful defiance of the federally established procedures or processes⁽¹⁹⁾ for the adjudication of Crimes⁽²⁰⁾, its acts resulting in the willful deprivation of life, liberty or property⁽²¹⁾ can only be resolved through the petition⁽²²⁾ of grievances to the authority providing such inalienable rights.⁽²³⁾ This is a deprivation of a federal civil right secured by the United States Constitution, specifically identified within the Bill of Rights, therefore, this civil action is controlled under the provisions of Title 28 U.S.C. § 1343⁽²⁴⁾ and the district court has original jurisdiction⁽²⁵⁾ and not the State of Washington.

(c) **Direct Appeal of Ground One:**(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☒ No(2) If you did not raise this issue in your direct appeal, explain why: The State of Washington does not have the jurisdictional authority⁽⁴⁵⁾ to decide on United States Constitution⁽⁴⁶⁾ matters, which are outside it's jurisdictional or statutory governing limits, in accordance with Title 28 U.S.C. §1343 and §1331.(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☒ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

☐ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition?

☐ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: There are no remedies or alternate procedures as long as the State is acting in willful defiance of federal processes and statutes.

GROUND TWO: I am currently illegally and unlawfully imprisoned as a result of the abrogation of my federally conferred Constitutional rights by the State of Washington and its willful defiance of the established procedures and processes set forth by the U.S. Constitution.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Article IV, Section 2, of the United States Constitution guarantees that, "The citizens of each state shall be entitled to all privileges and immunities of Citizens in the several states." Article VI of the United States Constitution provides that, "This Constitution and the Laws of the United States... shall be the supreme Law of the Land and the Judges in every State shall be bound thereby any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." The State of Washington is acting in willful defiance of federal statutes by denying its residents the same Constitutionally guaranteed rights for due process of the Law that are available to residents of the several states. Therefore, my Constitutional rights have been violated and my arrest, my conviction and my imprisonment are all illegal.

(b) If you did not exhaust your state remedies on Ground Two, explain why: The State of Washington has abrogated my federally conferred Constitutional rights therefore, no state court has jurisdictional authority to adjudicate this matter, because states do not have the jurisdictional authority to rule on issues outside of their limited jurisdictional or statutory governing authority. This is a deprivation of a federal civil right under the color of state law, therefore, the district courts have original jurisdiction over the disposition of this matter and not the State of Washington.

(c) **Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☒ No

(2) If you did not raise this issue in your direct appeal, explain why: The State of Washington does not have the jurisdictional authority to decide on United States Constitution matters, which are outside its jurisdictional or statutory governing limits, in accordance with Title 28 U.S.C. § 1343 and § 1331.

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☒ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

28 § 1343
42 § 1981

28 § 1343

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two: There are no remedies or alternate procedures as long as the State is acting in willful defiance of federal processes and statutes, in accordance with Title 42 U.S.C. § 1981.

GROUND THREE: I am currently illegally and unlawfully imprisoned as a result of the abrogation of my federally conferred Constitutional rights by the State of Washington and its willful defiance of the established procedures and processes set forth by the U.S. Constitution.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

The 13TH Amendment to the United States Constitution provides that, "Neither slavery⁽⁴³⁾ nor involuntary servitude⁽⁴⁴⁾, except as a punishment for crime whereof the party shall have been duly convicted⁽⁴⁵⁾, shall exist within the United States, or any place subject to their jurisdiction⁽⁴⁶⁾." Because due process of the law was ignored⁽⁴⁷⁾ and the State abrogated my federally conferred inalienable rights, I have not been duly convicted of any crimes and as a result, my enslavement and placement into involuntary servitude under Washington DOC is in direct violation of my 13TH Amendment Constitutional rights.

(b) If you did not exhaust your state remedies on Ground Three, explain why: The State of Washington has abrogated my federally conferred Constitutional rights therefore, no state court has jurisdictional authority to adjudicate this matter, because States do not have jurisdictional authority to rule on issues outside of their limited jurisdictional or statutory governing authority. Since the United States Constitution is the originator of my inalienable rights, only a United States Court has the jurisdictional authority to decide whether to enforce or deny a United States Citizen of his Constitutional guarantees. ⁽⁴⁹⁾ ⁽⁴⁹⁾ ⁽⁵⁰⁾ The district court has original jurisdiction over this matter and not the State of Washington.

(c) **Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☒ No

(2) If you did not raise this issue in your direct appeal, explain why: The State of Washington does not have the jurisdictional authority to decide on United States Constitution matters, which are outside its jurisdictional or statutory governing limits.

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☒ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

☐ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition?

☐ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three: There are no remedies or alternate procedures as long as the State is acting in willful defiance of federal⁽⁵¹⁾ processes and statutes.

GROUND FOUR: I am currently illegally and unlawfully imprisoned as a result of the abrogation of my federally⁽⁵²⁾ conferred Constitutional rights by the State of Washington and its willful defiance of the established procedures and processes set forth by (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): the U.S. Constitution.⁽⁵³⁾

In light of the complete disregard of my 5th Amendment rights⁽⁵⁴⁾ by the State of Washington and in the absence of compliance with the due process of law, no bill of indictment⁽⁵⁵⁾ has been brought against me making all charges against me fraudulent and illegal.⁽⁵⁶⁾ Therefore, my arrest, my conviction and my imprisonment are also illegal. The willful deprivation of my life, liberty and property by the State of Washington are now in violation of my 14th Amendment Constitutional rights, which provide that, "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States."⁽⁵⁷⁾ The State of Washington had no legal authority to establish Article I, Section 26, of its Constitution without violating the Laws of the United States⁽⁵⁸⁾ and the rights of its Citizens,⁽⁵⁹⁾ in accordance with Title 42 U.S.C. § 1981.

(b) If you did not exhaust your state remedies on Ground Four, explain why: My rights as a United States Citizen are guaranteed to me by the United States Constitution therefore, the only court with jurisdictional authority to decide whether to enforce or deny me of such a right is a court of federal jurisdiction. This is a deprivation of a federal civil right, secured by the United States Constitution, specifically identified within the Bill of Rights, under the color of state law, in violation of the U.S. Constitution, therefore, in accordance with Title 28 U.S.C. § 1343, the district court has original jurisdiction over this civil action and not the State of WA.⁽⁷⁸⁾

(c) **Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☒ No

(2) If you did not raise this issue in your direct appeal, explain why: The State of Washington does not have the jurisdictional authority to decide on United States Constitution matters, which are outside its jurisdictional or statutory governing limits.

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☒ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four: There are no remedies or alternate procedures as long as the State is acting in willful defiance of federal processes and statutes. I have Constitutional guarantees, but a guarantee ceases to be a guarantee the moment that it is no longer guaranteed. A guarantee can not only be guaranteed part of the time, or only guaranteed until the guarantee is needed, because that is not a guarantee, rather a lie. If in the opinion of the People of the United States, the guarantees or freedoms provided by the U.S. Constitution be in any particular way wrong, let it be corrected by an Amendment in the way in which the Constitution so prescribes. Until, if and when that time comes, every single United States Citizen, including the Petitioner, is entitled to every single United States right secured by the United States Constitution, including an indictment by a Grand Jury.

13. Please answer these additional questions about the petition you are filing:

- (a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? ☒ Yes ☐ No

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not

presenting them: No state court has jurisdiction as long as the State of Washington is acting in willful defiance ⁽⁶²⁾

federally established procedures or processes for the adjudication of crimes. Therefore, its acts resulting in the willful deprivation of life, liberty and property can only be resolved through the Petition of grievances to the authority ⁽⁷⁹⁾ providing such inalienable rights, in accordance with Title 28 U.S.C. § 1343-Civil Rights & Elective Franchises. ⁽⁸⁰⁾

Title 28 § 1343

- (b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

All grounds herein have been raised at federal level however, district court refused to rule on the merits of the petition, despite having a statutory obligation to do so. ⁽⁸¹⁾ Court abused its discretion in dismissing the previous petition when it had a legal duty to act. ⁽⁸²⁾ ⁽⁸³⁾

Title 28 § 1331

This petition is an attempt to receive federal relief from the willful deprivation of my life, liberty and property by the State of Washington. ⁽⁶³⁾

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? ☒ Yes ☐ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available.

United States District Court - Eastern District of Washington;
4:19-CV-05055-TOR; Writ of Habeas Corpus; May 18, 2019; Dismissed and Denied

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? ☐ Yes ☒ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

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16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: State of Washington does not employ a preliminary hearing, as "no Grand Jury shall be drawn or summoned in any county."

(b) At arraignment and plea: Self, pro se

(c) At trial: Self, pro se

(d) At sentencing: Self, pro se

(e) On appeal: Valerie Marushige, 23619 55TH Place South, Kent, WA 98032

(f) In any post-conviction proceeding: _____

(g) On appeal from any ruling against you in a post-conviction proceeding: _____

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? ☐ Yes ☒ No

(a) If so, give name and location of court that imposed the other sentence you will serve in the future: _____

(b) Give the date the other sentence was imposed: _____

(c) Give the length of the other sentence: _____

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? ☐ Yes ☐ No

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.*

Not Applicable

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of -
 - (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
 - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;
 - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
 - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

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- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

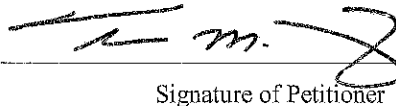
Therefore, petitioner asks that the Court grant the following relief: The State of Washington has denied me my federal Constitutional rights
therefore, I request the federal government to intervene and uphold the rights of one United States Citizen in order to preserve the
Constitutional rights of all United States Citizens, because any freedom which can be removed from one, can be removed from all and is no longer a
freedom, but an illusion of freedom.
 or any other relief to which petitioner may be entitled.

Pro Se

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on _____ (month, date, year).

Executed (signed) on June, 24, 2019 (date).


 Signature of Petitioner

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition.

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Addendum's

A1-1	~ Addendum 1 - Superior Right
A2-1 ~ A2-5	~ Addendum 2 - Alexander Ekstrom
A3-1	~ Addendum 3 - Conflict of Law

A1-1

Addendum 1 - Superior Right

I have a superior right⁽¹³⁶⁾ to communicate with my wife, as that issue of morality derives from God⁽¹³⁷⁾ and not from man. I assert to maintain the values of God and the divine instructions of my Creator, in that, "Let no man separate that which God has joined together." Therefore, the right of marital communication is not rather a right, but a duty, as it is assigned by God, conveyed to man and demanded obedience under the confines of one's loving commitment to another, as well as one's loving commitment to our Creator. I cannot, in good faith⁽¹³⁸⁾ and conscience, obey the commandments of my Creator and fulfill my duties and obligations as a husband and father⁽¹³⁹⁾, without disobeying the unwarranted and unjustified⁽¹⁴⁰⁾ commandments of my fellow man⁽¹⁴¹⁾. It is therefore, my most solemn and firm decision to uphold and remain faithful to my God and my Creator and the Oaths made to Him, as those Oaths effect not only my existence here, but my eternal existence as well and that Oath made to God and to my chosen partner, shall remain in full effect until such time as God or death has released me of such obligation⁽¹⁴²⁾. This is not a matter of defiance⁽¹⁴³⁾, rather a matter of conscience⁽¹⁴⁴⁾, of morality⁽¹⁴⁵⁾, of States intrusion and ability to control the lives, the Oaths and the religious practices⁽¹⁴⁶⁾ of it's citizens. The question is, shall a state govern God? I say, let it not be so. Therefore, with great resolve and renewed commitment⁽¹⁴⁸⁾, I say, Give me Love or Give me Death!⁽¹⁴⁹⁾

Addendum 2 - Alexander Eckstrum

The trial judge, Alexander Eckstrum, denied me my Constitutional rights to testify, present evidence and confront my accusers during the trial, despite my numerous attempts to inform him of his Criminal Behavior. This occurred in front of 12 of my friends from church, who were present in the audience. Four times, I informed and warned the trial judge that he was breaking the Law and all four times he responded by saying that the State of Washington makes him immune and sovereign and provides the protection of absolute immunity from his criminal conduct. After the fourth warning that I gave him pertaining to his crimes, he chose to "knowingly and willingly continue in his criminal misconduct therefore, I had no choice but to defend myself and my family against his malicious judicial persecution, by ordering his arrest under Citizen's Arrest authority for the felony's which he had then committed in my presence. He had no authority to willfully deprive me of my federally conferred Constitutional rights.

The moment in which Mr. Eckstrum engaged in criminal behavior, he was no longer fit to continue in his Office, in accordance with the Laws of the United States Constitution. Mr. Eckstrum and the prosecutor, Dianne Ruff, have since the trial, entered into a Conspiracy to Obstruct Justice and have committed numerous additional crimes in order to conceal their criminal misconduct.

I have rights, as does every other free American and no one has the authority to rob me of such rights. I would like the court to send federal investigators to meet with me so that

A2-2

I can point them to the applicable witnesses and available evidence for these very disturbing and intentional acts of tyranny and oppression perpetrated by Officer's of public trust and in direct violation of the faithful duties and Oaths of those Offices. To abuse one's power and engage in willful criminal conduct brings dishonor upon one's self, but to cower behind the very object which affords you your power's in order to justify one's criminal behavior, brings dishonor upon both that object and the constituents of whom it represents.

Mr. Eckstrum's refusal to enforce the Body of Laws which govern this nation, is an act of treason and as an agent of the State of Washington, his decisions represent a most grievous position that the State has now taken against the nation and the Laws it has prescribed. His immunity applies only to civil liability, as the doctrine of Master/Servant places willful and negligent damages of third persons, by agents upon the agents master (in this case, the State of Washington). However, in accordance with the United States Supreme Court decision in *Imbler v. Pachtman*, "even judges, cloaked in absolute civil immunity for centuries, can still be held criminally liable for willful deprivations of Constitutional rights," therefore he has no immunity for the crimes of obstruction of justice, conspiracy and witness intimidation, to name just a few of the crimes committed against me. The moment that I ordered a legal and lawful arrest for his criminal misconduct, he ceased to be a judge, as he was no longer in Good Behavior, thereby making everything after that point, including my conviction, my sentencing and

A2-3

my imprisonment illegal⁽²¹⁵⁾, as the person overseeing the conviction and ordering the sentencing no longer had the authority to perform such acts. All of this information, and much more, can be verified⁽²¹⁶⁾ by reviewing the audio recording from the trial, obtaining the original court transcriptions (before they were fraudulently altered in order to conceal the criminal misconduct) and/or the testimony of the 12 jurors or 12 other witnesses who were present in the courtroom on the day of my trial.

Let me be clear, I am not trying to change the Laws, rather I am pointing out what the Laws state and that the ways in which they are being enforced directly contradict with what is specified, therefore I am not trying to change the Laws, I am asking to uphold them⁽²¹⁷⁾. If the laws state that something will be done, in a certain way, then we must follow that way. Laws do not change arbitrarily, that is tyranny. Constitutionalism demands that the laws evolve only through suffrage, therefore it is up to the people to decide whether or not the United States Constitution applies to them⁽²¹⁸⁾ and not a judge or a State.

Our country has made many mistakes⁽²¹⁹⁾, but I am proud to know that we have resolved to learn from each of them in order to be better and stronger as a result of them. We now stand at the precipice of yet another major crossroads for our country. Will we choose the path of our ancestors or will we choose

a new path of our own? A Christian nation can only be a Christian nation if it follows the ways of Christ. Long ago, I chose the high road, because I love my country⁽²²⁰⁾ and I knew that if this was not dealt with peacefully, destruction would occur and destruction should never be an optional outcome for anything that is loved.⁽²²¹⁾ My path I have chosen,⁽²²²⁾ following him is my way, come with me, let's pave our way to greatness.⁽²²³⁾ Let's show the world what a truly United nation looks like. We need not find someone to blame before we head down the path of restoration. We rebuild together, side-by-side, united in prayer, strengthened by forgiveness and guided by his divine light. There is no other way.

The Bedrock of our nation, the very foundation of our strength and the answer to our problems lies in a gift, a gift given to U.S. at our inception, given to U.S. by and endowing each of us with life. The only demand made of U.S. ensuring the blessings of heaven and the prosperity of our future was faith; faith in him and faith in his system. So it should come as no surprise, the truth, it should not be shocking, When we turn from Him, our troubles begin, He is the source of our protection. A nation filled with sin, must destroy the evil within, if it expects the Smiles of Heaven.⁽²²⁴⁾ This is a wakeup call, one which I do believe will be heard by a truly great and powerful nation loved and protected by it's Creator

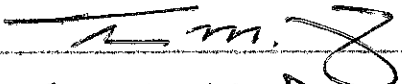
A2-5

and strengthened by United faith.⁽²²⁵⁾

I remain, patiently waiting, believing in the Justice System⁽²²⁶⁾ and faithful that it still works,⁽²²⁷⁾ because if not, then God help us all!⁽²³⁰⁾

Signed this 9th day of April, 2019.

Respectfully & Peacefully
a Servant of Justice,


Tanawah M. Downing
Petitioner, Pro Se

A3-1

Addendum III - Conflict of Laws

(*) Amendment V - United States Constitution

"No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury."

(*) Article I. Section 26. - WA State constitution

"No Grand Jury shall be drawn or summoned in any county, except the superior judge thereof shall order."

(*) Article VI - United States Constitution

"This Constitution and the Laws of the United States shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

"All executive and judicial officers, both of the United States and of the several states, shall be bound by Oath or Affirmation, to support this Constitution."

(*) Supremacy Clause: Article VI of the United States Constitution declaring that the Constitution of the United States is the "supreme Law of the Land" and enjoys legal superiority over any conflicting provision of a State constitution or laws.